

FILED

1 COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C § 1983

2 Name MONTALEZ BRENT ↓ SEP 19 2011

3 (Last) (First) (Initial)

4 Prisoner Number J-77321

5 Institutional Address ESP-SOLANO / AD-SEC 1 P.O-BOX 4000, VACAVILLE CA 94596-04000

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 BRENT LUIS MONTALEZ
9 (Enter the full name of plaintiff in this action.)

10 vs.

11 Z. AHMED M.D. DR. JOSEPH CHUNG
12 (CHIEF MEDICAL OFFICER CTF) DR. SERGILVEDA
13 (CHIEF PHYSICIAN AND SURGEON CTF)

14 (Enter the full name of the defendant(s) in this action)

Case No. CV10-51654-LHK (PR)
(To be provided by the Clerk of Court)

15 COMPLAINT UNDER THE
16 CIVIL RIGHTS ACT,
17 Title 42 U.S.C § 1983

AMENDED COMPLAINT
(PRAISES)

All questions on this complaint form must be answered in order for your action to proceed.

18 I. Exhaustion of Administrative Remedies.

19 [Note: You must exhaust your administrative remedies before your claim can go
forward. The court will dismiss any unexhausted claims.]

20 A. Place of present confinement ESP-SOLANO (AD-SEC)

21 B. Is there a grievance procedure in this institution?

22 YES NO ()

23 C. Did you present the facts in your complaint for review through the grievance
procedure?

24 YES NO ()

25 D. If your answer is YES, list the appeal number and the date and result of the
appeal at each level of review. If you did not pursue a certain level of appeal,
explain why. APPEAL LOG# 08-03880 SUBMITTED 8-14-08

1. Informal appeal CTF-S-08-03880 WAS STAMPED "RECEIVED" ON
2. 9-5-08 BY HEALTH CARE APPEALS INFORMAL LEVEL WAS "BYPASSED"

4. First formal level CTF-S-08-03880
5. FIRST FORMAL LEVEL WAS "BYPASSED"

7. Second formal level CTF-S-08-03880 WAS RECEIVED AT SECOND
8. LEVEL 9-9-08 BY REVIEWER AND ELEVATED TO A STAFF COMPLAINT
9. (PARTIALLY GRANTED). CONFIDENTIAL INQUIRY ON Z. AHMED WAS CONDUCTED.
10. REVIEWER'S FINDING: "NO VIOLATION OF CDCR POLICY".

4. Third formal level

11. CTF-S-08-3880 WAS SUBMITTED ON 11-5-09 FOR DIRECTOR'S LEVEL OF
12. REVIEW - OFFICE OF THIRD LEVEL OF APPEALS. APPEAL CASE GIVEN UTLA CASE
13. NO. UTLA-51-08-12722. APPEAL DENIED AT DIRECTOR'S LEVEL.

E. Is the last level to which you appealed the highest level of appeal available to

you?

15. YES NO PLEASE SEE ATTACHED EXHIBIT (A)

16. F. If you did not present your claim for review through the grievance procedure,
17. explain why. N/A

20. II. Parties.

21. A. Write your name and your present address. Do the same for additional plaintiffs,
22. if any.

23. OPENT LUIS GONZALEZ # V-77321

24. CSP-SOLANO / AD-SEC

25. P.O. BOX 4000

26. JACAVILLE, CA 95696-04000

27. B. Write the full name of each defendant, his or her official position, and his or her
place of employment.

28. DR. Z. AHMED (FIRST NAME WAS NOT DISCLOSED TO ME) MEDICAL DIRECTOR IN CCF-SOLANO

COMPLAINT

1 DR. SEPULVEDA (CHIEF PHYSICIAN AND SURGEON CTF-SOLEDAO)

2 DR. JOSEPH MUNY (CHIEF MEDICAL OFFICER CTF-SOLEDAO)

3

4

5 III. Statement of Claim. - 1 -

6 State here as briefly as possible the facts of your case. Be sure to describe how each
7 defendant is involved and to include dates, when possible. Do not give any legal arguments or
8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
9 separate numbered paragraph.

10 1.) ON 1-1-08 PLAINTIFF SUBMITTED A CACR 7362- REQUEST FOR MEDICAL SERVICES FORM
11 BECAUSE HE HAD BEEN EXPERIENCING SEVERE ABDOMINAL PAIN IN HIS LOWER
12 RIGHT ABDOMINAL REGION AND GROIN AREA. ALONG WITH NAUSEA AND LOSS OF
13 APPETITE FOR APPROXIMATELY FIVE DAYS.

14 2.) ON JULY 9, 2008 PLAINTIFF ATTENDED "SICK CALL" FOR THIS ISSUE. AT THE
15 CALIFORNIA TRAINING FACILITY'S NORTH FACILITY MEDICAL ANNEX. HE EXPRESSED
16 TO THE R.N. (REGISTERED NURSE) THAT HE WAS IN EXCRUCIATING PAIN AND HAD
17 BEEN FOR APPROXIMATELY A WEEK. HE PLEADED TO SEE A DOCTOR THAT DAY BUT THE
18 REQUEST WAS NOT HONORED. RATHER AN APPOINTMENT WITH A DR. Z. AHMED WAS SCH-
19 EULED FOR JULY 17, 2008. EIGHT DAYS LATER. AT THIS "SICK CALL" VISIT, PLAINT-
20 IFF'S DOCTOR'S APPOINTMENT DATE WAS NOT DISCLOSED TO HIM.

21 3.) ON JULY 17, 2008 PLAINTIFF ATTENDED APPOINTMENT WITH DR. Z. AHMED.

22 (STATEMENT OF CLAIM CONTINUED ON SEPARATE PAGE.)

23 IV. Relief:

24 Your complaint cannot go forward unless you request specific relief. State briefly exactly
25 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

26 COMPENSATORY DAMAGES AND PUNITIVE DAMAGES AGAINST EACH DEFENDANT FOR
27 PLAINTIFF'S PHYSICAL AND EMOTIONAL INJURIES AND THE NEGLECT PRACTICE OF THE
28 PLAINTIFF'S LIFE IN THE AMOUNT OF \$ 2,500,000.00 FOR COMPENSATION

COMPLAINT

4.) BY THE TIME PLAINTIFF ATTENDED THIS APPOINTMENT HE HAD BEEN IN EXTREME PAIN, SUFFERING
 2 AND HE HAD FELT ILL FOR SEVERAL DAYS. IT WAS EXTREMELY PAINFUL FOR THE PLAINTIFF TO
 3 DO EVEN THE SMALLEST OF MOVEMENTS (E.G. WALK, LAY DOWN, LIFT HIS ARMS, STAND). PLAINT-
 4 IFF WAS ALSO IN EXTREME PAIN WHEN HE WOULD URINATE AND WAS DEVELOPING A COUGH.
 5 PLAINTIFF HAD LOST 8 POUNDS SINCE HIS VISIT TO "SICK CALL" ON JULY 9, 2008 DUE TO NASE-
 6 AU AND LOSS OF APPETITE.

7 5.) PLAINTIFF ATTEMPTED TO EXPLAIN THESE ISSUES TO DR. AHMED BUT WAS UNSUCCESSFUL DUE
 8 TO DR. AHMED'S SARCASTIC, DISMISSIVE AND MUCKING ATTITUDE. FOR THE DURATION OF THE
 9 APPOINTMENT DR. AHMED TREATED PLAINTIFF AND PLAINTIFF'S MEDICAL ISSUES WITH EXTREME DIS-
 10 REGARD, DISRESPECT, AND UNPROFESSIONALISM.

11 6.) DR. AHMED MADE VARIOUS SARCASTIC COMMENTS TO THE PLAINTIFF ONE SERIES BEING "SHOW
 12 ME DOCTOR, SHOW ME." "YOU'RE A DOCTOR RIGHT." WHEN PLAINTIFF TRIED TO SHOW DR. AHMED
 13 HIS AREA OF PAIN, AND EXPLAIN EVERYTHING THAT HE WAS FEELING.

14 7.) AFTER PLAINTIFF SHOWN DR. AHMED HIS AREA OF PAIN DR. AHMED SIMPLY LOOKED AT THE PLAINTIFF
 15 WITHOUT ANY TYPE OF EXAMINATION AND STATED "YOU ARE O.K. NOTHNG IS WRONG WITH YOU."
 16 THEN TURNED AWAY AND BEGAN WRITING IN HIS NOTES.

17 8.) PLAINTIFF BELEIVED DR. AHMED TO PLEASE EXAMINE HIM BECAUSE HE FELT EXTREMELY ILL AND WAS
 18 IN PAIN AND HAD BEEN SO FOR TWO WEEKS AND HAD JUST WAITED THROUGH MANY DAYS OF PAIN JUST
 19 TO GET THE OPPORTUNITY TO HAVE THIS APPOINTMENT AND SEE A DOCTOR. DR. AHMED CONTINUED TO DIS-
 20 REGARD THE PLAINTIFF AND MAINTAINED AN EVEN MORE DISMISSIVE ATTITUDE, STATING: "YOU ARE DONE GO-
 21 NNALEZ."

22 9.) PLAINTIFF PLEADED WITH DR. AHMED FOR HELP BUT WAS IGNORED. PLAINTIFF THEN ADVISED DR. AHMED
 23 THAT HE MAY NEED TO FILE A COCR 162 REPEAL IN ORDER TO RECEIVE A PROPER EXAMINATION AND
 24 SOME HELP. AFTER BEING TOLD THIS DR. AHMED BECAME VERY CONFRONTATIONAL AND THREATENED THE
 25 PLAINTIFF WITH A COCR-115 DISCIPLINARY WRITE UP FOR "WASTING HIS TIME" AND "FOR MAKING A
 26 JOKE" IF PLAINTIFF FILED A COCR 162. DESPITE THIS THREAT PLAINTIFF CONTINUED TO PLEAD FOR
 27 HELP BUT TO NO AVAIL.

28 10.) PLAINTIFF WAS FORCED TO LEAVE DR. AHMED'S OFFICE. ON HIS WAY OUT PLAINTIFF ASKED A

1 CORRECTIONAL OFFICER JUAN DUE TO PLEASE HELP HIM AND ASK ANOTHER DOCTOR TO SEE HIM. BE-
 2 CAUSE DR. AHMED IS REFUSING TO EXAMINE HIM. CORRECTIONAL OFFICER TOLD PLAINTIFF THAT
 3 THERE WAS NOTHING HE COULD DO AND THAT THE PLAINTIFF WOULD HAVE TO FILL OUT ANOTHER "SICK
 4 CALL" SLIP. PLAINTIFF LEFT THE MEDICAL ANNEX WITHOUT AN EXAM OR MEDICAL ATTENTION.

5 II.) PLAINTIFF'S CONDITION WORSENED OVER THE NEXT FEW DAYS FOLLOWING HIS APPOINTMENT WITH
 6 DR. AHMED. HIS PAIN INCREASED TO SEVERE UNBearable LEVELS TO THE POINT THAT PLAINTIFF FELT
 7 THAT HE MAY BE DYING. PLAINTIFF WAS VILENTLY ILL EXPERIENCING SHIVERING, COLD SWEATS,
 8 NO APPETITE, NAUSEA, VOMITING, DIZZINESS WITH EXTREME PAIN IN HIS ABDOMEN, GROIN, AND
 9 PAIN DURING URINATION THAT WAS FREQUENT.

10 12.) ON JULY 21, 2008 IN "WHITNEY HALL" HOUSING UNIT PLAINTIFF MADE A CDR 7362 HEALTH
 11 CARE SERVICES REQUEST FORM DIRECTLY TO M.T.A / R.N. JANE DOE AND EXPLAINED HIS CIRCUMSTA-
 12 NCES AND THAT HE NEEDED HELP. SHE AGREED PLAINTIFF DID NOT LOOK WELL. STILL, NO IMMEDI-
 13 ATE HELP CAME FROM THIS ENCOUNTER.

14 13.) ON JULY 22, 2008 IN "WHITNEY HALL" PLAINTIFF ONCE AGAIN MADE ANOTHER CDR 7362 FORM
 15 DIRECTLY TO AN M.T.A / R.N. NAMED "ROY". PLAINTIFF WROTE "EMERGENCY!!" ON TOP OF SAID
 16 FORM BECAUSE HE WAS IN SO MUCH PAIN, ILL, AND IN FEAR FOR HIS LIFE. "ROY" AGREED THAT
 17 PLAINTIFF DID NOT LOOK WELL AND THAT HE'D CALL HIM UP TO MEDICAL SHORTLY.

18 14.) APPROXIMATELY TWO HOURS LATER PLAINTIFF WAS REQUESTED AT THE MEDICAL ANNEX. THERE
 19 HE WAS BRIEFLY SEEN AND EXAMINED BY M.T.A / R.N. "ROY". AT THIS TIME PLAINTIFF TOLD "ROY"
 20 THAT HE FELT LIKE HE WAS "DYING". "ROY" AGREED THAT PLAINTIFF NEEDED IMMEDIATE DOCTOR'S
 21 ATTENTION AND THAT HE LOOKED VERY ILL AND THIS "ROY" SAID THAT HE WAS GOING TO GO SPEAK
 22 TO DR. AHMED AND ASK HIM TO SEE THE PLAINTIFF. "ROY" WALKED APPROXIMATELY 16 FEET AWAY TO
 23 WHERE DR. AHMED WAS LOCATED IN HIS OFFICE TO GET THE PLAINTIFF A DOCTOR'S ATTENTION.

24 15.) M.T.A / R.N. RETURNED AND INFORMED THE PLAINTIFF THAT DR. AHMED DOES NOT WANT TO SEE
 25 THE PLAINTIFF AND THAT HE ALREADY TOLD THE PLAINTIFF THAT "NOTHING IS WRONG WITH HIM".
 26 PLAINTIFF ASKED "ROY" TO PLEASE HELP HIM AND "ROY" RETURNED TO DR. AHMED'S OFFICE TO
 27 SPEAK TO HIM ABOUT SEEING THE PLAINTIFF IMMEDIATELY. "ROY" WAS UNSUCCESSFUL IN GETTING
 28 DR. AHMED TO ATTEND TO THE PLAINTIFF AND TOLD THE PLAINTIFF THAT HE'S SORRY AND HE CAN

1 NOT DO ANYTHING ELSE BECAUSE IT IS THE DOCTOR'S DECISION AND THE DOCTOR
2 DOES NOT WANT TO SEE THE PLAINTIFF THAT DAY AND THAT DR. AHMED WILL ONLY
3 AGREE TO SEE THE PLAINTIFF 6 DAYS LATER ON JULY 28, 2008. PLAINTIFF ONCE
4 AGAIN WAS DENIED A DOCTOR'S MEDICAL ATTENTION. PLAINTIFF LEFT MEDICAL ANNEX.

5 16.) PLAINTIFF'S CONDITION SEVERELY WORSENED AND HE WAS MOSTLY CONFINED TO
6 HIS BED IN EXTREME ABDOMINAL AND GROIN PAIN, FEVERISH, WITH COLD SWEATS, CIV-
7 CHINGA, VOMITING, SHIVERING, DIZZY, DELIRIOUS, AND WITH FREQUENT PAINFUL URINA-
8 TION AND THE PLAINTIFF COULD NOT EAT.

9 17.) ON JULY 24, 2008 PLAINTIFF COULD NO LONGER FUNCTION NORMALLY AND HE INFORMED
10 HIS UNIT OFFICER A % MCFARLAND. PLAINTIFF WAS TAKEN BY EMERGENCY MEDICAL GURNEY
11 FROM HIS HOUSING UNIT TO THE NORTH FACILITY MEDICAL ANNEX AND THEN TAKEN TO THE
12 CENTRAL FACILITY MEDICAL CENTER, X-RAYED, AND THEN RUSHED ON A GURNEY TO AN
13 AWAITING AMBULANCE AND TAKEN BY AMBULANCE TO NATIVIDAD HOSPITAL'S EMERGENCY
14 ROOM IN SALINAS CALIFORNIA.

15 18.) PLAINTIFF WAS CONNECTED TO "I.V." TUBES AND THEN GIVEN C.T SCANS AND OTHER M-
16 EDICAL TESTS PLAINTIFF WAS IN EXTREME PAIN AND VERY ILL. PLAINTIFF WAS INFORMED BY
17 ATTENDING PHYSICIAN THAT IT WAS APPARENT HIS APPENDIX HAD RUPTURED WEEKS PRIOR
18 AND THAT THE ONLY THING THAT SAVED THE PLAINTIFF WAS THAT HE SEEMED TO HAVE A STR-
19 ONG IMMUNE SYSTEM BECAUSE HIS BODY FORMED A POCKET AROUND THE POISON THAT COMES
20 FROM A RUPTURED APPENDIX. OTHERWISE THIS POISON WOULD HAVE INFECTED THE PLAINTIFF'S
21 BODY AND MAY HAVE PROVED FATAL. DUE TO THIS THE PLAINTIFF'S APPENDIX HAD A MULTI-
22 ULCERATED ABSCESS. AND IT WAS EXPLAINED TO THE PLAINTIFF THAT IT WAS SO INFECTED TH-
23 AT IT WAS INOPERABLE BECAUSE AN OPERATION WOULD RISK INFECTION THE PLAINTIFF'S BOW-
24 ELS WHICH COULD KILL THE PLAINTIFF.

25 19.) PLAINTIFF REMAINED AT NATIVIDAD HOSPITAL FOR 7 DAYS. JULY 24, 2008 UNTIL JU-
26 LY 31, 2008. DURING PLAINTIFF'S STAY HE REMAINED EXTREMELY ILL, CONFINED TO A HOS-
27 PITAL BED IN A WEAKENED STATE CONNECTED TO "I.V." TUBES AND HOSPITAL EQUIP-
28 MENT CONSTANTLY RECEIVING ANTI-BIOTICS FOR THE ABSCESS INFECTED APPENDIX AND ALSO

1 MURPHINE SEVERAL TIMES DAILY AND NIGHTLY BY WAY OF I.V. FOR THE EXCRUCIATING
 2 PAIN. AT TIMES THE PLAINTIFF'S BODY TEMPERATURE WAS BETWEEN 103° AND 104°. EX-
 3 TREMENDOUS FEVERISH.

4 20.) DURING THE PLAINTIFF'S STAY HE WAS TOLD BY PHYSICIAN THAT HAD HE BEEN FFLP
 5 AND EXAMINED UPON HIS VISIT TO THE DOCTOR HE MAY HAVE BEEN ABLE TO AVOID THIS
 6 SITUATION. THE APPENDICITIS COULD HAVE BEEN DETECTED AND THE ABCESS WOULD HAVE
 7 BEEN AVOIDED WHICH WOULD HAVE MADE IT POSSIBLE FOR THE PLAINTIFF TO HAVE A RUSTI-
 8 NE APPENDECTOMY SURGERY.

9 21.) PLAINTIFF IS ORDERED TO RETURN TO NATIVIDAD HOSPITAL WITHIN SIX TO EIGHT WEEKS
 10 FOR A STAGED APPENDECTOMY ONCE THE ANTI-BIOTICS TAKE AWAY THE INFECTION. AND ALSO
 11 IS ORDERED TO BE SEEN FOR A FOLLOW-UP WITHIN A FEW WEEKS OF HIS DISCHARGE
 12 (APPROX. 3 TO 4).

13 22.) ON JULY 31, 2008 PLAINTIFF IS DISCHARGED FROM NATIVIDAD HOSPITAL AND IS RETURNED
 14 TO CTF-SULIDAD NURSH FAC. STILL IN AN EXTREMELY WEAK STATE AS THE ABCESS REMAINS IN
 15 HIS BOWEL WHICH IF RUPTURED BY ANY MEANS WILL INFLICT HIS BOWEL SYSTEM. PLAINTIFF MUST
 16 TAKE ANTI-BIOTIC PILLS FOR THE INFECTION AND VILADIN PILLS AND THEN OCEODINE PILLS FOR
 17 THE PAIN. 3 TIMES DAILY.

18 23.) AUGUST 1, 2008 PLAINTIFF HAS DOCTOR'S APPOINTMENT WITH CTF-PHYSICIAN DR. KAUFER.
 19 DURING THIS INITIAL VISIT PLAINTIFF EXPRESSES TO DR. KAUFER THAT HE DOES NOT WANT TO
 20 RETURN TO THE CARE OF DR. AHMED BECAUSE PLAINTIFF IS IN FEAR FOR HIS LIFE, HIS HEALTH
 21 AND SAFETY.

22 24.) AUGUST 14, 2008 PLAINTIFF SUBMITS A CTER 602 APPEAL HEALTH-CARE GRIEVANCE FO-
 23 RM UPON DR. Z. AHMED.

24 25.) PLAINTIFF HAD APPROXIMATELY 4 VISITS WITH DR. KAUFER ON THE DATES OF AUGUST
 1 2008, AUGUST 8 2008, AUGUST 26 2008, AND SEPTEMBER 9, 2008 AND ONE APPOINTME-
 26 NT WITH DR. MOIKE ON AUGUST 18 2008. DURING ALL OF THESE VISITS PLAINTIFF REMAINED
 27 EXPRESSING FEAR AND CONCERN OF THE POSSIBILITY OF RETURNING TO THE CARE OF DR. AHMED,
 28 ALSO EXPRESSION HIS DESIRE TO STAY IN THE CARE OF DR KAUFER.

STATEMENT OF CLAIM

(5)

1 26.) SPECIFIC DATE UNKNOWN AT THIS TIME: AT AN APPOINTMENT WITH DR. KALISHER SHE INFL-
 2 RMS PLAINTIFF THAT HE WILL HAVE TO RETURN TO THE CARE OF DR. AHMED BECAUSE PLAINT-
 3 IF IS "HIS PATIENT" AND THAT SHE CAN NOT BE PLAINTIFF'S DOCTOR ANYMORE. PLAINTIFF
 4 PLEASES WITH DR. KALISHER NOT TO ALLOW THIS TO HAPPEN. SHE STATES THAT THERE IS NOTH-
 5 ING THAT SHE CAN DO AND IF THE PLAINTIFF REFUSES TO BE DR. AHMED'S PATIENT PLAINTIFF
 6 WILL NOT BE ALLOWED TO HAVE HIS SURGERY.

7 27.) SPECIFIC DATE UNKNOWN AT THIS TIME: PLAINTIFF RETURNS TO THE CARE OF DR. AHMED ONLY
 8 AFTER FEARING NOT BEING ALLOWED TO HAVE HIS APPENDECTOMY. AND AFTER ALSO BEING
 9 THREATENED WITH SUCH AGAIN BY UNIDENTIFIED M.T.A. / R.N. WHO WANTED PLAINTIFF
 10 TO SIGN A REFUSAL FORM OF MEDICAL SERVICES BY AHMED.

11 28.) SPECIFIC DATE UNKNOWN AT THIS TIME: PLAINTIFF MISSES FIRST FOLLOW-UP AT NATIVIBAD
 12 HOSPITAL FOR NO EXPLAINED REASON.

13 29.) SPECIFIC DATE UNKNOWN AT THIS TIME. AT APPOINTMENT WITH DR. Z. AHMED PLAINTIFF IN-
 14 FLAMES DR. AHMED THAT HE DOES NOT WANT TO BE HIS PATIENT AND THAT HE IS AFRAID OF
 15 MORE HARM AT HIS HANDS. AHMED TELLS PLAINTIFF THAT IF HE REFUSES HE WILL NOT BE
 16 ABLE TO HAVE HIS APPENDECTOMY SURGERY. PLAINTIFF ASKS DR. AHMED WHY HE DID NOT EXA-
 17 MINE HIM "THAT DAY" OR SEE HIM WHEN HE CAME IN ON THE 22 ND OF JULY. THAT HE
 18 COULD HAVE DIED BECAUSE OF HIS APPENDIX RUMPTURING AND NOW ITS STILL POSSIBLE BECAUSE
 19 OF THIS ABLESS. DR AHMED STATES "THAT IT WAS THE END OF THE DAY AND THAT HE'D BEEN
 20 GONE ALL DAY AND THAT HE WAS TIRED THAT DAY...." REFERRING TO JULY 17, 2008. THE
 21 PLAINTIFF THEN INQUIRES ABOUT HIS FOLLOW-UP AND HIS STAINED APPENDECTOMY AND IS GIVEN
 22 NO RESPONSE.

23 30.) ON OCTOBER 9 2008 PLAINTIFF IS INTERVIEWED BY CTF CHIEF PHYSICIAN AND SURGEON
 24 DR. SEPULVEDA IN REGARDS TO PLAINTIFFS COCR 602 AGAINST DR. AHMED. AT THIS INTERVIEW
 25 PLAINTIFF EXPRESSES TO DR SEPULVEDA THAT HE DOES NOT WANT TO BE IN THE CARE OF DR. AHMED
 26 BECAUSE OF THE PAIN AND INJURY AHMED CAUSED PLAINTIFF AND THAT THE PLAINTIFF FEARS
 27 FURTHER HARM AND EVEN MORE SO AFTER FILING A COCR 602 GRIEVANCE UPON AHMED. PLA-
 28 INTIFF ALSO BRINGS TO THE ATTENTION OF SEPULVEDA THAT HE IS CURRENTLY OVER DUE TO REF-

1 TURN TO NATIVIDAD HOSPITAL TO HAVE HIS APPENDECTOMY SURGERY AND THAT HE FEARS
 2 AHMED MAY NOT CARE ABOUT PLAINTIFF'S CONDITION OR HIS SURGERY. SEPULVEDA
 3 TELLS PLAINTIFF THAT HE MUST REMAIN IN THE CARE OF DR. AHMED. AND THAT HE WILL
 4 LOOK IN TO THE STATUS OF HIS SURGERY. DR. SEPULVEDA DOES NOT EVER CONTACT PLA-
 5 INTIFF AGAIN.

6 31.) PLAINTIFF REMAINS IN CONTINUOUS PAIN AND FEAR FOR HIS LIFE AS ABLESS REMAINS INST-
 7 DE HIS BODY PLAINTIFF REMAINS PRESCRIBED TO VICODIN PILLS AND THEN TO CLEDINE PILLS FOR
 8 PAIN. PLAINTIFF CONTINUOUSLY INQUIRES TO DR. AHMED ABOUT HIS SURGERY AND HIS CONCERN
 9 THAT HIS SURGERY IS LONG OVER DUE. THE PLAINTIFF'S CONCERNS ARE DISREGARDED UNTIL
 10 PLAINTIFF EXPRESSES TO DR. AHMED THAT HE MAY FILE ANOTHER CDCR 602 APPEAL IN
 11 REGARD TO AHMED DELAYING PLAINTIFF'S SURGERY.

12 32.) ON DECEMBER 21, 2008 DR. JOSEPH CANDY CHIEF MEDICAL OFFICER IS MADE AWARE OF
 13 PLAINTIFF'S CIRCUMSTANCES AND WHAT TRANSPRIRED IN REGARDS TO DR. AHMED'S TREATMENT OF
 14 THE PLAINTIFF. HE ALSO IS MADE AWARE THAT PLAINTIFF REMAINS IN THE CARE OF DR AHMED
 15 EVEN AMID ALL OF THE ISSUES WHICH HAVE CAUSED HARM AND INJURY TO THE PLAINTI-
 16 FF IN THE HANDS OF DR. AHMED; NEARLY COSTING THE PLAINTIFF HIS LIFE. HOWEVER
 17 DR. CANDY (C.M.O.) DOES NOT RECEIVE THIS ISSUE AND SIGNS OF SEPULVEDA'S REVI-
 18 EW AT THE "SECOND LEVEL" OF PLAINTIFF'S CDCR 602 APPEAL. IN RESULT PLAINTIFF'S SU-
 19 RGERY CONTINUES TO BE DELAYED AND PLAINTIFF REMAINS IN PAIN AND AT RISK IN THE
 20 HANDS OF DR. AHMED.

21 33.) IN DECEMBER 11 2008 PLAINTIFF IS TAKEN TO NATIVIDAD HOSPITAL IN SALINA'S
 22 CALIFORNIA FOR A STAGED APPENDECTOMY SURGERY. NEARLY 5 MONTHS AFTER PLAINTIFF'S
 23 INITIAL VISIT WITH DR. AHMED. OVER 17 WEEKS AFTER HIS DISCHARGE FROM NATIVIDAD
 24 HOSPITAL ON JULY 31, 2008. 9 WEEKS ^{MORE} THAN AGREED BY ABLESS AT NATIVIDAD.
 25 PLAINTIFF HAD TO RETURN 6 TO 8 WEEKS AFTER DISCHARGE.

26 34.) PLAINTIFF TO THIS DATE STILL EXPERIENCES PAIN IN RIGHT ABDOMINAL AND CARBON AP-
 27 ED. PLAINTIFF ALSO SUFFERS MENTAL AND EMOTIONAL ANXIETY CAUSED BY THE EXPERIENCE
 28 OF NEARLY LOSING HIS LIFE.

1 35.) CLAIMS FOR RELIEF —

2 A.) DEFENDANT DR. Z. AHMED ACTED UNDER THE COLOR OF STATE LAW IN AN INDIVID-
 3 UAL CAPACITY AND REFUSED TO EXAMINE THE PLAINTIFF ON JULY 17TH 2008 KNOWING THE
 4 PLAINTIFF WAS IN EXTREME PAIN AND BEGGINING FOR MEDICAL ATTENTION. IN DOING SO
 5 THE DEFENDANT PUT THE PLAINTIFF'S LIFE AT RISK TO BE LOST. AS WELL DID NOT TREAT
 6 HIS PAIN AND SUFFERING. THIS CONSTITUTES THE DELIBERATE INDIFFERENCE TO THE PLA-
 7 INTIFF'S SERIOUS MEDICAL NEEDS. VIOLATING THE CRUEL AND UNUSUAL PUNISHMENT
 8 CLAUSE OF THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION. IT ALSO
 9 RAISES THE TORTS OF NEGLIGENCE AND MEDICAL MALPRACTICE UNDER CALIFORNIA LAW.

10 B.) DEFENDANT DR. Z. AHMED ACTED UNDER THE COLOR OF STATE LAW IN AN INDIVID-
 11 UAL CAPACITY AND REFUSED TO ATTEND TO THE PLAINTIFF'S MEDICAL NEEDS ON
 12 JULY 22ND 2008 EVEN AFTER THE CONCERN'S OF THE LPN MTA / RN WERE EXPRESSED
 13 TO THE DEFENDANT THAT THE PLAINTIFF WAS IN PAIN AND ILL AND NEEDED THE DOCTO-
 14 R'S ATTENTION. THIS JEOPARDIZED AND PUT THE PLAINTIFF'S LIFE AT RISK TO BE LOST.
 15 THIS CONSTITUTES THE DELIBERATE INDIFFERENCE TO THE PLAINTIFF'S SERIOUS MEDICAL
 16 NEEDS. VIOLATING THE CRUEL AND UNUSUAL PUNISHMENT CLAUSE OF THE EIGHTH AM-
 17 ENDMENT OF THE U.S. CONSTITUTION. IT ALSO RAISES THE TORTS OF NEGLIGENCE
 18 UNDER CALIFORNIA LAW, AND MEDICAL MALPRACTICE UNDER CALIFORNIA LAW.

19 C.) DEFENDANT DR. Z. AHMED ACTED UNDER THE COLOR OF STATE LAW IN
 20 AN INDIVIDUAL CAPACITY AND THREATENED THE PLAINTIFF WITH DISCIPLINARY RE-
 21 PRISALS IF THE PLAINTIFF PURSUED FILING A GRIEVANCE UPON DEFENDANT,
 22 WHICH IS THE RIGHT OF THE PLAINTIFF. THIS CONSTITUTES A VIOLATION OF THE FIRST
 23 AMENDMENT OF THE U.S. CONSTITUTION.

24 D.) DEFENDANT DR. Z. AHMED ACTED UNDER THE COLOR OF STATE LAW IN AN IN-
 25 DIVIDUAL CAPACITY AND DELAYED BY AN EXCESS OF 9 WEEKS THE PLAINTIFF'S AP-
 26 PENDECTOMY SURGERY. DONE SADISTICALLY AND MALICIOUSLY IN RETALIATION FOR
 27 PLAINTIFF FILING A GRIEVANCE UPON DEFENDANT'S CONDUCT. THIS INFILCTING PH-
 28 ysICAL AND EMOTIONAL PAIN UPON THE PLAINTIFF. A VIOLATION OF THE FIRST AM-

1 WAIVER OF THE U.S. CONSTITUTION PROTECTING THE PLAINTIFF'S RIGHT TO FILE A
 2 GRIEVANCE. THIS ALSO CONSTITUTES THE DELIBERATE INDIFFERENCE TO THE PLA-
 3 INTIFF'S SERIOUS MEDICAL NEEDS. VIOLATING THE CRUEL AND UNUSUAL PUNISHMENT
 4 CLAUSE OF THE EIGHTH AMENDMENT OF THE U.S. CONSTITUTION. IT ALSO RAISES
 5 THE TORTS OF NEGLIGENCE AND MEDICAL MALPRACTICE UNDER CALIFORNIA LAW.

6 E.) DEFENDANT DR. SEPULVEDA ACTED UNDER THE COLOR OF STATE LAW IN AN INDIV-
 7 INDUAL CAPACITY AND AND DESPITE THE CONCERNS OF THE PLAINTIFF REFUSED TO TAKE
 8 THE NECESSARY STEPS UNDER HIS SUPERVISION TO TAKE THE PLAINTIFF OUT OF DE-
 9 FENDANT AHMED'S CARE AND TO ENSURE THE PLAINTIFF RECEIVED HIS APPENDECTOMY
 10 SURGERY ON SCHEDULE WHICH WOULD HAVE DIMINISHED THE PHYSICAL, MENTAL, AND
 11 EMOTIONAL PAIN OF THE PLAINTIFF. THIS CONSTITUTES THE DELIBERATE INDIFFEREN-
 12 CE TO THE PLAINTIFF'S SERIOUS MEDICAL NEEDS. VIOLATING THE CRUEL AND UNUSUAL
 13 PUNISHMENT CLAUSE OF THE EIGHTH AMENDMENT OF THE U.S. CONSTITUTION. IT ALSO
 14 RAISES THE TORTS OF NEGLIGENCE AND MEDICAL MALPRACTICE UNDER CALIFORNIA LAW.

15 F.) DEFENDANT DR. JOSEPH CHUDY ACTED UNDER THE COLOR OF STATE LAW IN AN
 16 INDIVIDUAL CAPACITY WHEN HE DID NOT UNDER HIS SUPERVISION ENSURE THAT THE PLA-
 17 INTIFF BE TAKEN OUT OF THE CARE OF DEFENDANT AHMED CONSIDERING THE SERIOUS
 18 CIRCUMSTANCES AND ENSURE THAT THE PLAINTIFF RECEIVED HIS APPENDECTOMY SURGERY
 19 ON SCHEDULE. THIS CONSTITUTES THE DELIBERATE INDIFFERENCE TO THE PLAINTIFF'S
 20 SERIOUS MEDICAL NEEDS. VIOLATING THE CRUEL AND UNUSUAL PUNISHMENT CLAUSE
 21 OF THE EIGHTH AMENDMENT OF THE U.S. CONSTITUTION. IT ALSO RAISES THE TORTS
 22 OF NEGLIGENCE AND MEDICAL MALPRACTICE UNDER CALIFORNIA LAW.

23 I DECLARE AND VERIFY PURSUANT TO 28 U.S.C. §§ 1746 THAT THE FORE-
 24 GOING IS TRUE AND CORRECT. COMPLAINT AMENDED THIS 21TH DAY OF JUNE
 25 2011. _____

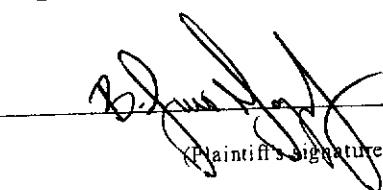
Brent Luis Gonzalez
 BRENT LUIS GONZALEZ
 IN PRO PER.

STATEMENT OF CLAIM
 (9)

1 DAMAGES AND AWARD PUNITIVE DAMAGES IN THE AMOUNT THE HONORABLE
2 COURT DEEMS THE PLAINTIFF IS ENTITLED TO AND FEES FIT.

3
4
5 I declare under penalty of perjury that the foregoing is true and correct.

6 AMENDED.
7 Signed this 21st day of JUNE, 20 11

8 
9 (Plaintiff's signature)